

LAW OFFICES OF

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Walter W. Dukes  
Hugh D. Keating  
Cy Fanca  
Phillip W. Jarrell \*  
W. Edward Hatten, Jr.  
Trace D. McRaney  
Bobby R. Long  
-----  
Je'Neil B. Blum \*\*  
Haley N. Broom  
Jon S. Tiner  
Matthew M. Williams  
Adam B. Harris

\*also licensed in TX  
\*\*also licensed in CA

September 15, 2009

**VIA FACSIMILE**

Patrick Buchanan, Esquire  
Mark Watts, Esquire  
Brown Buchanan, P.A.  
796 Vieux Marche', Suite 1  
Biloxi, MS 39533

Re:    McBay v. Harrison County, Mississippi, et al.  
      Civil Action No. 1:07cv1205

Carrubba v. Harrison County, Mississippi, et al.  
Civil Action No. 1:07cv1238

Vanderburg v. Harrison County, Mississippi, et al.  
Civil Action No. 1:08cv90

Seal v. Harrison County, Mississippi, et al.  
Civil Action No. 1:08cv175

Dear Mr. Buchanan and Mr. Watts:

In response to your request for deposition dates for Mr. Ken Katsarsis and Dr. Megan Ciota, their respective available deposition dates are:

Ken Katsarsis -       November 5, 6, 12, or 13 in Tallahassee, Florida.

Dr. Megan Ciota -     December 2, 3, 9, or 10 at her office in Metairie, Louisiana.

Dr. Ciota's and Ken Katsarsis's fee schedules for preparing for and attending depositions are enclosed.



Very truly yours,

A handwritten signature in black ink, appearing to read "Joe C. Gewin", with a stylized flourish at the end.

Joe C. Gewin

JCG/tam  
Attachments

Sep 11 2009 9:26AM

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P. 2

**MEGAN A. CIOTA, PH.D.**  
**Jefferson Neurobehavioral Group**  
**Neuropsychology and Clinical Psychology**  
**3939 Houma Boulevard, Suite 223**  
**Metairie, Louisiana 70006**

Telephone: (504) 780-1702

Fax: (504) 780-1705

**FEE SCHEDULE**

Neuropsychological Evaluation:	\$1,937.00
Pain/Psychological Evaluation:	\$1,657.00
Neuropsychological or Psychological Evaluation	
Children 4-years or younger:	\$1,657.00
Deposition – per hour:	\$ 600.00
Conference – per hour:	\$ 475.00
Review of Records – per hour:	\$ 475.00
Trial Preparation – per hour:	\$ 475.00
Trial Appearance (portal to portal) – per hour:	\$ 475.00

**Record Review:** Records will be reviewed at \$425.00 per hour. We require pre-payment of three (3) hours of record review (\$1,425.00) prior to the evaluation.

**Neuropsychological Evaluations** are scheduled over two days, usually from 9:00 a.m. – 5:00 p.m., with an hour break for lunch. If testing goes over 12 hours of actual testing time, it will be billed at \$140.00 per hour.

**Pain/Psychological Evaluations** are scheduled for one day, usually from 9:00 a.m. – 5:00 p.m., with an hour break for lunch. If testing goes over 8 hours of actual testing time, it will be billed at \$140.00 per hour.

**Cancellations:** A fee of \$257.00 (the interview fee) will be charged for patients who are not cancelled 24 hours prior to the appointment time.

**Depositions** must be pre-paid and payment must be received two (2) days prior to the deposition date or the deposition will be cancelled. The full deposition fee will be charged if notification of cancellation is not received 24 hours prior to the scheduled time.

**PAYMENT IS DUE IN FULL FOR EVALUATIONS AND RECORD REVIEW  
PRIOR TO THE DATE OF THE APPOINTMENT  
BY SIGNING BELOW YOU AGREE TO THE TERMS ABOVE**

\_\_\_\_\_  
Authorizing Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Print Name

RE: Gary B. McBay

Amount due:

Dr. Ciota's TIN: 72-1488418

**W. KEN KATSARIS**  
*Law Enforcement, Corrections and Private Security*  
*Consultant/Trainer*

Post Office Box 12008  
 Tallahassee, FL 32317-2008  
 (850) 224-2929 Office Phone  
 (850) 224-2828 Fax  
 (850) 309-1074 Fax

Street Address:  
 110-A South Monroe Street  
 Tallahassee, FL 32301

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**FEE SCHEDULE AGREEMENT**

**CASE REVIEW AND OPINION\***

A complete review of all materials furnished will be done on a timely basis, and a written opinion will be completed if requested. A review of materials provided will be performed at the rate of \$300 per hour with a minimum of 20 hours (\$6,000.00) required in advance of commencement of review. This \$6,000 fee is non-refundable and is the minimum fee for all case file reviews, and must accompany this signed Fee Agreement acknowledging Ken Katsaris' participation in the case as an expert. Designating Ken Katsaris as an expert in any case matter without signing the Fee Agreement and paying the minimum twenty hour \$6,000 fee is prohibited. All work performed, exclusive of depositions, trials, conferences and site inspections, which will have separate and additional fees discussed below, will be assessed at \$300 per hour. All materials must be sent printed out, on paper, and ready for review and presentation for deposition and trial. Do not send discs, CD's or DVD's, unless they accompany the printed materials and photographs. E-mail of letters and file materials will not be accepted due to discovery issues.

Once retained, review of the case will commence. If the fee arrives before case materials are sent or received, the receipt of the fee is considered agreement to retain. Receipt of case materials or listing Ken Katsaris as your expert or potential expert without the fee enclosed will be considered an obligation and commitment to pay the minimum \$6,000 fee and to meet this Fee Agreement in its entirety. Timing of settlements, summary judgment or any other action that might impact upon the case either before or after the \$6,000.00 fee has been paid will have no effect on the obligation to meet the requirements of this agreement and to pay the required fees.

**TRIAL TESTIMONY**

A thorough preparation will be done prior to trial and billed at \$300.00 per hour. Ken Katsaris will reserve the agreed upon trial day and travel to the trial site for a fee of \$3,000.00 plus all travel expenses as outlined below, for each day or portion of a day testifying. Any standby days/portions of a day awaiting trial will be assessed at \$2,000.00 per day. If trial is attended, but he is not called to testify during that trip, the trial fee of \$3,000 will be assessed for one of the days while waiting to testify. Repeat trips to trial will be billed similarly. All fees in connection with testifying including preparation fees, standby fees, travel expenses or other outstanding case fees must be paid before Ken Katsaris takes the stand. Only minor extraordinary travel expenses will be billed. The trial fee will be charged if the case settles or is otherwise dismissed, or rescheduled, within 72 hours, (excluding Saturday and Sunday) of scheduled testimony. The trial preparation fee, based upon actual hours of preparation time, will be assessed if cancellation of trial testimony occurs within two weeks (14 days) of scheduled testimony, as trial preparation will have been completed. Cancellation fees are due within 15 days notice of cancellation or settlement.

**DEPOSITIONS**

Depositions, at a location selected by Ken Katsaris, will be billed at a fee of \$2,000.00 for a five hour minimum, \$400 per hour over five hours, with a maximum of seven hours of testimony per day. Depositions scheduled at locations convenient to the deposing counsel will be billed at \$3,000 per day plus all travel expenses. A full 8-hour day, (7 hours maximum testimony time) will be set aside by Ken Katsaris and no other business will be scheduled regardless of the beginning hour of the deposition. The retaining firm shall represent the above deposition fees and payment forfeits to opposing counsel before the deposition and, in the event of any disagreement as to the amount, the firm retaining Ken Katsaris shall pay the difference or the full amount, in accordance with this deposition fee schedule, at the beginning of the deposition. Video Depositions will be billed at the same rate as trial testimony (\$3,000.00). If a case settles within 48 hours prior to the scheduled deposition date, a \$1,500.00 cancellation fee will be assessed. Failure of either party to have fees prior to deposition will result in cancellation of deposition with the cancellation fee of \$1,500.00 assessed. This fee will be in addition to any future deposition fee which will be billed in accordance with this agreement. Fees are due within 15 days of cancellation or settlement.

**SITE INSPECTION AND INVESTIGATION OR CONFERENCE REQUESTS**

Ken Katsaris will travel to the site of the incident in question, if requested, and complete a thorough investigation or meet for conference as is necessary to prepare for trial. An inspection, investigation or conference (including in Tallahassee) day fee is a flat \$2,000.00 per day (or any part of a day) plus all travel expenses. These fees shall be paid upon arrival, or at the time of conference.

**TRAVEL EXPENSES**

Ken Katsaris will request that airline, hotel and car rental reservations be booked by his travel agent to facilitate in coordinating his schedule. Travel expenses will be estimated, including air fare, vehicle rental, hotel accommodations, meals, taxi, and airport parking in Tallahassee and will be required in advance of commencement of travel. An unrestricted coach ticket with a small fee for first class upgrade under the frequent flyer plan will be requested for all air travel.

\*Fees may be increased 24 months from contract date if case is not brought to conclusion during that period of time. Gaps in time during case will result in the necessity of extensive preparation time to refresh and be prepared for deposition and/or trial, and will be billed at \$300.00 per hour.

Publication of Ken Katsaris's name to opposing counsel in any document as your witness, consultant or potential witness shall occur ONLY AFTER Ken Katsaris has been retained, and the above fees paid. Listing of Ken Katsaris's name in any document obligates payment of the fee in full.

I HAVE READ THIS FEE SCHEDULE IN ITS ENTIRETY AND AGREE TO THE TERMS THEREIN.

Case Title or Case Name: \_\_\_\_\_

W. Ken Katsaris

Signature of Retaining Attorney

Date

PLEASE COPY AND RETURN ORIGINAL

Typed or Printed Name of Attorney Retaining

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FROM KEN KATSARIS

02:15 PM 0002-60-JES